

REMARKS/ARGUMENTS

Claims 1-15 and 17-28 are pending in the present application. The Examiner has allowed claims 15, 17 and 24-28. The Examiner has rejected claims 1, 4, 5, 11-14, 18, and 19. The Examiner has objected to claims 2, 3, 6-10 and 20-23. Applicant has amended claim 18 and canceled claim 20. Applicant respectfully requests reconsideration of pending claims 1-14 and 18-23.

The Examiner has rejected claim 18 under 35 U.S.C. § 102(e) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767. Applicant respectfully disagrees.

Regarding claim 18, Applicant has amended claim 18 and canceled claim 20. Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 18, as amended. Thus, Applicant submits claim 18 is in condition for allowance.

The Examiner has rejected claims 1, 4, and 11-14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767 in view of Sakamoto et al., U.S. Patent No. 5,903,544. Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited references fail to disclose or suggest the subject matter of claim 1. As an example, Applicant submits the cited portions of the cited references fail to disclose or suggest "a router operably coupled to a corresponding output of the plurality of outputs of the switch core, wherein the router couples to the first line card and the second line card, and wherein the router uses routing information included in the egress data from the corresponding output to determine to which among the following group the egress data is provided: the first line card, the second line card, and both the first and the second line cards." In the Examiner's Response to Arguments, the Examiner cites "fig. 4 and col. 2, lines 19-22, S767" and states, "Applicant admitted that the data in the system disclosed by Sakamoto '*routed to either one of the output*' (Remarks, pages 13-15), therefore, Sakamoto disclosed situations (i) and (ii) as interpreted above." However, Applicant submits the Examiner appears to misinterpret what 'routed to either one of the output' apparently means in the cited portion of the Sakamoto '767 reference, as Applicant submits the cited portion of the Sakamoto '767 reference does not appear to disclose which element of Fig. 4 would be "either one of the output."

Moreover, Applicant submits the Examiner appears to mischaracterize the teachings of the cited portions of the cited references. While the Examiner alleges element "(2)" of the Sakamoto '767

reference discloses "the switch core," the Examiner then alleges "transmission path" "2-i" of the Sakamoto '544 reference discloses "the switch core." Furthermore, Applicant notes the Examiner appears to attempt to equate "switch 5" of the Sakamoto '544 reference with a "router." Applicant claim 1 recites a relationship between "A switch" and "a router." Applicant submits the Examiner's apparent interpretation of "switch 5" of the Sakamoto '544 reference being equated with a "router" appears to teach away from the subject matter of claim 1. Thus, Applicant submits the Examiner has not shown the cited portions of the cited reference to disclose or suggest "a router operably coupled to a corresponding output of the plurality of outputs of the switch core...." Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 4, Applicant submits the cited portions of the cited reference fail to disclose "...wherein the arbiter preferentially passes active line card data over inactive line card data." Therefore, Applicant submits claim 4 is also in condition for allowance.

Regarding claim 11, Applicant has presented arguments for the allowability of claim 1 from which claim 11 depends. Therefore, Applicant submits claim 11 is also in condition for allowance.

Regarding claims 12-14, in the Examiner's Response to Arguments, the Examiner states, "ATM data cell is considered a data packet that has fixed size (53 bytes)." Applicant respectfully disagrees. Applicant submits both the claims and the specification differentiate "a cell based network" from "a packet based network." Thus, Applicant submits the Examiner's interpretation is inconsistent with the disclosure. Therefore, Applicant submits claims 12-14 are in condition for allowance.

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767 in view of Sakamoto et al., U.S. Patent No. 5,903,544, and further in view of Klink, U.S. Patent No. 5,706,277. Applicant respectfully disagrees.

Regarding claim 5, Applicant submits the Examiner apparently mischaracterizes the teachings of the Klink reference. While the Examiner states, "However, Klink discloses a system for transmission of digital signals, wherein the reference discloses the standby link 22 is activated based on an idle state in operating link 21 (col. 5, lines 7-18, and col. 6, lines 57-60)." However, Applicant submits the cited portions of the cited reference appear to teach away from such an interpretation. For example, Applicant notes col. 5, lines 7-12, states, "...the switching device 13...connects the further functional parts of the demultiplexer 12 to the operating link 21 in a first switching state, namely in the

idle state, and to the standby link 22 in a second, activated switching state." Applicant further notes col. 5, lines 13-18, states, "...the switching device 33...connects the further functional parts of the demultiplexer 32 to the operating link 21 in a first switching state or idle state, respectively, and to the standby link 22 in a second, activated switching state." Therefore, Applicant submits claim 5 is in condition for allowance.

The Examiner has rejected claim 19 under 35 U.S.C. § 102(e) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767, and further in view of Okabe et al., U.S. Patent No. 6,031,838. Applicant respectfully disagrees.

Applicant has amended claim 18 to include subject matter previously found in claim 20 and canceled claim 20. Thus, Applicant submits claim 19 recites subject matter to which the Examiner previously objected but stated would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As Applicant has presented argument for the allowability of claim 18, from which claim 19 depends, Applicant submits claim 19 is also in condition for allowance.

Applicant notes the Examiner cites 35 U.S.C. § 102(e) as statutory authority for the rejection of claim 19. However, Applicant notes MPEP § 2131 states, "

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)...."

Since the Examiner relies on two references to attempt to substantiate the purported § 102(e) rejection and the Examiner acknowledges that "S767 does not disclose the system buffering the data received from the first and second line cards prior to selecting the ingress data," Applicant submits the purported § 102(e) rejection is improper and fails to comply with 35 U.S.C. § 102(e) and MPEP § 2131. Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation under 35 U.S.C. § 102(e) with respect to the subject matter of claim 19.

Moreover, Applicant notes the Examiner objected to claim 20, which depended from claim 19, which depended from independent claim 18. Applicant has amended claim 18 to include the subject

matter of claim 20 and has canceled claim 20. Thus, Applicant submits claim 19 now includes subject matter of canceled claim 20, to which the Examiner objected. Therefore, Applicant submits claim 19 is in condition for allowance.

The Examiner has objected to claims 2, 3, 6-10, and 20-23, but states they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has presented arguments for the allowability of claim 1, from which claims 2, 3, and 6-10 directly or indirectly depend. Thus, Applicant submits claims 2, 3, and 6-10 are also in condition for allowance. Applicant has amended claim 18 and canceled claim 20. Applicant submits claim 18 is in condition for allowance. Applicant has amended claim 21 to depend from claim 18. Applicant notes claims 22 and 23 depend from claim 21. Thus, Applicant submits claims 21-23 are in condition for allowance. The Examiner has allowed claims 15, 17 and 24-28.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



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